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JAN 23 2004

OFFICE OF PETITIONS

Practitioner's Docket No. M082705

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Cho et al.

Application No.: 09/995,885

Group No.: 1725.

Filed: November 28, 2001

Examiner: Jonathan J. Johnson

For: Method and Apparatus for Welding

Assistant Commissioner for Patents

Washington, D.C. 20231

ATTENTION: Supervisory Patent Examiner, Group 1725

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

(37 C.F.R. § 1.181 or § 1.137 AND M.P.E.P. § 711.03(c))

Applicant hereby petitions to withdraw the holding of abandonment for the above-captioned patent application.

Applicants and their representative never received the Notice of Allowability, mailed March 8, 2003, the Notice of Allowance, nor the Notice of Abandonment (see Enclosed

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665.00 DP

In re Application of: Cho et al.
Petition to Withdraw Holding of Abandonment
Page 2 of 2

Memorandum of Law in Support of Petition to Withdraw Holding of Abandonment).

Enclosed herewith is a check in the amount of \$665 for payment of the issue fee in the above-captioned application.

The Commissioner is hereby requested to issue the above-captioned patent application.

In accordance with 37 C.F.R. §§ 1.181(d), no fee is required for this petition. In the alternative, if the Commissioner determines that 37 C.F.R. §§ 1.181(d) does not apply to the situation of the present case, the Commissioner is authorized to charge the \$665 petition fee pursuant to 37 C.F.R. §§ 1.137 to Deposit Account 50-1731.

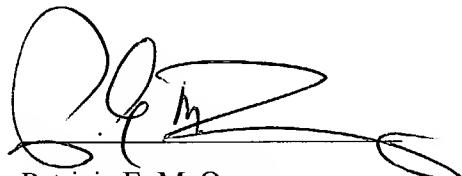
The Commissioner is authorized to charge any additional fees required by this paper or credit any overpayment to Deposit Account 50-1731.

A duplicate of this paper is attached.

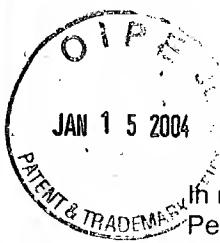
1.15.2004

Date

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Patricia E. McQueeney
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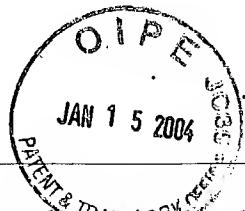
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Name of person certifying mailing: *Patrick E. McQueeny*

Express Mail Label No.: *EV 228585926 US*

Signature of person certifying mailing: *PEM*

Date of Signing: *1.15.04*

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Practitioner's Docket No. M082705

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Examiner: Jonathan J. Johnson

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Assistant Commissioner for Patents

Washington, D.C. 20231

ATTENTION: Supervisory Patent Examiner, Group 1725

**MEMORANDUM OF LAW IN SUPPORT OF
PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

Applicants hereby petition to withdraw the holding of abandonment for the above-captioned patent application.

Applicants and their representative never received the Notice of Allowability, allegedly mailed March 8, 2003, the Notice of Allowance, nor the Notice of Abandonment.

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Statement of Facts

1. On November 28, 2001, Hueng Ki Cho and Stanley York (hereinafter "Applicants") filed the above-captioned patent application with the assistance of attorney, James S. Parker of Saliwanchik Lloyd & Saliwanchik of Gainesville, Florida. The application did not contain an executed Declaration and Power of Attorney and a Notice of Missing Parts was issued on December 18, 2001. On January 9, 2002, James S. Parker submitted a Response to the Notice of Missing Parts containing an executed Declaration and Power of Attorney.
2. On June 11, 2002, Jeff Lloyd, a partner of the firm Saliwanchik Lloyd & Saliwanchik, filed a Request for Withdrawal as Attorney or Agent listing Applicants' corporation, Morpho Corporation at 1255 Belle Avenue in Winter Spring, Florida as the future correspondence address.
3. An Office Action was issued to the above-captioned application on October 15, 2002 and mailed to Saliwanchik Lloyd & Saliwanchik in Gainesville, Florida, and promptly forwarded to Applicants thereafter.
4. On or about December of 2002, Applicants hired the undersigned to help them prepare a response to the Office Action discussed above.

In re Application of: Cho et al.
Memorandum of Law In Support of
Petition to Withdraw Holding of Abandonment
Page 3 of 4

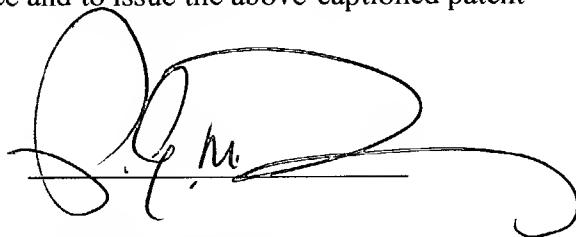
5. On or about February 11, 2003, due to economic difficulties, Applicants closed their corporation in pursuit of alternate employment.
6. On February 18, 2003, Applicants filed their Amendment and Response to Office Action and a One-Month Extension of Time in the above-captioned application. The undersigned was listed as the Attorney of Record with an address in Fort Lauderdale Florida.
7. On or about Tuesday, May 20, 2003, the undersigned received a telephone call from Patent Examiner Johnson of the U.S. Patent and Trademark Office (hereinafter "PTO") checking my status in the above-captioned application. The Power of Attorney executed by Applicants was forwarded to the PTO via facsimile (see Declaration of Patricia E. McQueeney in Support of Petition to Withdraw Holding of Abandonment).
8. On or about December 3, 2003, Patent Examiner Johnson, in response to inquiry concerning the status of the application, stated that the application had gone abandoned for failure to pay the issue fee. He stated that the Notice of Allowance had been mailed to Applicants' corporate address in Winter Springs, Florida.

The entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition pursuant to either 37 C.F.R. §§ 1.181(d) or 37 C.F.R. §§ 1.137(d) was unintentional.

Applicants, through undersigned counsel, request The Commissioner to accept the enclosed check for \$665 as payment of the issue fee and to issue the above-captioned patent application.

1.15.2004

Date



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